

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ISOTHIAZOLE CARBOXYLIC ACID AMIDES AND THE APPLICATION THEREOF
IN ORDER TO PROTECT PLANTS**

the specification of which is attached hereto,

or was filed on **November 5, 1998**

as a PCT Application Serial No. **PCT/98/07056**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s), the priority(ies) of which is/are to be claimed:

197 50 012.9
(Number)

Germany
(Country)

12. November 1997
(Month/Day/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Applicants: Lutz Assmann et al.
Serial No: 10/010,434
Filed: December 6, 2001
Title: ISOTHIAZOLE CARBOXYLIC ACID AMIDES AND THE
APPLICATION THEREOF TO PROTECT PLANTS
Art Unit: 16 26
Examiner: I. I. Stockton

DECLARATION

I, Peter Dahmen, of 41470 Neuss, Altebrückerstr. 61, Germany, a citizen of Germany, declare that :

1. I am an agronomist having studied at the University of Bonn, Germany;
2. I received the degree of Doctor agr. at the University of Bonn in the year of 1990;
3. I further specialized in the field of plant protecting agents, in particular herbicides and fungicides;
4. In the year of 1991, I entered the employ of Bayer Aktiengesellschaft (now Bayer CropScience AG) at Leverkusen, Germany, where I am still employed in the Biological Research Department at Monheim, Germany;
5. The following tests have been carried out under my supervision and direction.

Example 1

Erysiphe test (barley) / protective

Solvent : 50 parts by weight of N, N – dimethylformamide

Emulsifier : 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

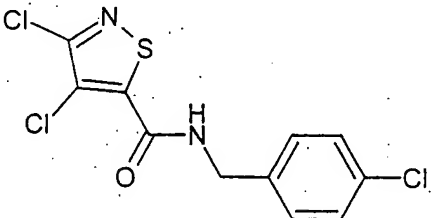
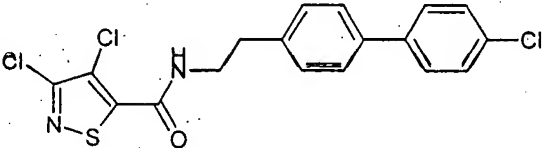
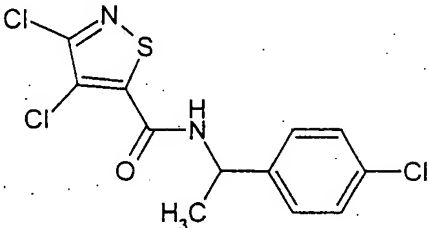
To test for protective activity, young barley plants are sprayed with the preparation of active compound at the stated rate of application. 1 day after the treatment, the plants are inoculated with spores of *Erysiphe graminis* f. sp. *hordei*. The test plants are then placed in a greenhouse at a temperature of 20°C and a relative atmospheric humidity of 80 % to promote the development of mildew pustules.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100 % means that no disease is observed.

The active compounds, amounts of active compounds and results are shown in the following table.

Table 1

Erysiphe test (barley) / protective

Active compound	Rate of application of active compound in g/ha	Efficacy in %
<p><u>known from US-A 5 240951(Comp. No.36)</u></p> 	375	47
<p><u>according to invention:</u></p> 	375	71
	375	86

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 2001-06-16

Monheim, Germany

Peter Dahmen

(Peter Dahmen)

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